

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TAKE-TWO INTERACTIVE SOFTWARE, INC.

Plaintiff,

v.

JHONNY PEREZ

Defendant.

Case No.: 18-cv-07658 (PKC)

ECF Case

**DECLARATION IN SUPPORT OF
PLAINTIFF TAKE-TWO
INTERACTIVE SOFTWARE, INC.’S
REQUEST FOR CERTIFICATE OF
DEFAULT**

I, Dale M. Cendali, declare as follows:

1. I am a partner at the law firm of Kirkland & Ellis LLP, counsel of record for Plaintiff Take-Two Interactive Software, Inc. (“Take-Two”) in the above-captioned matter. I am licensed in the State of New York and admitted to practice before this Court.

2. I submit this declaration pursuant to Rule 55.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York in support of Take-Two’s Request for a Certificate of Default against Defendant Jhonny Perez (“Mr. Perez”). I have personal knowledge of the facts stated in this declaration and am competent to testify to the following statements if called upon to do so.

3. This action was commenced on August 22, 2018 with the filing of the Summons and Complaint. Dkt. Nos. 1, 3.

4. On September 18, 2018, Mr. Perez was served personally with a copy of the Complaint, Exhibits 1–3 thereto, and the Summons, and proof of service was filed on September 26, 2018. Dkt. No. 14.

5. Pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), Mr. Perez's answer was due on October 9, 2018. To date, Mr. Perez has not answered or otherwise moved with respect to the Complaint, and the time for Mr. Perez to do so has expired. Mr. Perez has neither requested nor received an extension of time to respond. Mr. Perez has not appeared in this action.

6. To the best of my knowledge, Mr. Perez is not a minor, mentally incompetent, nor in the military service of the United States as appears from facts in this litigation.

7. A Proposed Clerk's Certificate of Default is annexed hereto for the Clerk's convenience.

WHEREFORE, Take-Two requests that the default of Mr. Perez be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: November 20, 2018



Dale M. Cendali, Esq.